Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

20 August 2018

English only

2018 Meeting
Geneva, 4-7 December 2018

Meeting of Experts on Assistance, Response and Preparedness
Geneva, 14-15 August 2018
Items 4, 5, 6 and 8 of the agenda
Practical challenges facing the implementation of Article VII, and possible solutions

A set of guidelines and formats to assist a State Party, if required, when submitting an application for assistance in the framework of Article VII

Procedures, including the establishment and use of the assistance database, to improve the prompt and efficient response without preconditions to a request of assistance by a State Party under Article VII, and coordination and cooperation among States Parties and with relevant international and regional organizations such as World Health Organization (WHO), World Organisation for Animal Health (OIE), Food and Agriculture Organization (FAO), as appropriate

Exploration of approaches by which States Parties, individually or collectively, might contribute to the strengthening of international response capabilities for infectious disease outbreaks, whether natural or deliberate in origin

Assistance, response and preparedness

Submitted by the Bolivarian Republic of Venezuela on behalf of the Non-Aligned Movement and other States Parties to the Biological and Toxin Weapons Convention

I. Introduction

1. NAM and other States Parties to the BWC welcome that during the 2017 Meeting of States Parties to the Biological Weapons Convention (BWC) reached consensus on an intersessional programme from 2018 to 2020.

2. The purpose of the ISP is to discuss, and promote common understanding and effective action on those issues identified for inclusion in the intersessional programme. The work in the intersessional period will be guided by the aim of strengthening the implementation of all articles of the Convention in order to better respond to current challenges.

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3. The Group of NAM and other States Parties to the BWC highlights that the Inter-sessional Period (ISP) is important in the absence of detailed treaty provisions for implementation. We believe that the ISP should aim at achieving progress in the implementation of all articles of the Convention in a balance, comprehensive and consensus based approach.

II. Agenda item 4: Practical challenges facing the implementation of Article VII, and possible solutions

4. NAM and Other States Parties welcome the discussions on strengthening Article VII, as part of the current inter-sessional program.

5. According to Article VII of the Convention, if a State Party is exposed to danger as a result of the violation of the Convention, and requests assistance, all States Parties undertake to provide or support assistance.

6. NAM strongly reaffirms that national preparedness of States Parties and their prompt access to new methods and novel diagnostic technologies and equipment for detection and quick response to any possible biological attack or diseases outbreaks play an important role in providing assistance to States Parties. The rapid pace of novel bio-threats against humans, animals and plants requires rapid responses and enhanced national capacity prior to any biological attacks against the States Parties.

III. Agenda Item 5: A set of guidelines and formats to assist a State Party, if required, when submitting an application for assistance in the framework of Article VII

7. The Group notes the working paper (BWC/MSP/2018/MX.4/WP.3) submitted by South Africa to the MX4 outlining that assistance in accordance with Article VII would be additional to and following the assistance provided by international organisations and should be humanitarian in nature.

IV. Agenda Item 6: Procedures, including the establishment and use of the assistance database, to improve the prompt and efficient response without preconditions to a request of assistance by a State Party under Article VII, and coordination and cooperation among States Parties and with relevant international and regional organizations such as World Health Organization (WHO), World Organization for Animal Health (OIE), Food and Agriculture Organization (FAO), as appropriate

8. Although this Article has not been yet invoked, the international community should be prepared to face such situation well in advance and to dispatch emergency assistance in case of use of bacteriological (biological) or toxin weapons, and also to provide humanitarian assistance in case of the threat of use of such weapons, to the requesting State Party. Assistance undertakings and support should be commensurate with effective actions that ensure timely coordination and delivery of assistance to the victim State Party in conformity with the request for assistance.

9. To this end, a detailed procedure and mechanism for a timely, effective and adequate response needs to be developed. In this context, the following elements may, amongst others, be considered in the development of such a mechanism:

- Assistance means coordination and delivery of assistance to the requesting State Party,
- The request or appeal for assistance should be immediately transmitted to all States Parties and relevant international organizations for coordination and delivery of emergency and humanitarian assistance and support,
- Preparing an inventory of the types of assistance that the States Parties could provide including, inter alia, expertise, information, protection, detection, decontamination, prophylactic and medical and other equipment,
- Establishing a data bank containing freely available information concerning various means of protection against bacteriological (biological) and toxin weapons as well as such other relevant information as may be provided by States Parties,
- Information on the kind of assistance that States Parties could provide in response to a request for assistance; the States Parties make take necessary measures the fullest possible efforts to provide prompt assistance,
- Providing the equipment related to the means of protection against the use of biological weapons to the requesting State Party without undue restrictions,
- Establishing a fund for assistance to concerned States Parties in particular to developing countries,
- Promoting capacity building through more active cooperation with relevant regional and sub-regional organizations that have mandates relevant to assistance and protection against biological weapons. Such cooperation could include joint exercises and training, including by the use of e-learning modules.

10. The Group underlines that all mechanisms and measures adopted for full, effective and non-discriminatory implementation of Article X of the Convention, shall facilitate assistance and support to States Parties for rapid and timely surveillance, detection, contaminant, diagnosis, treatment and mitigation of diseases, in particular infectious diseases in accordance with the provisions of the Convention.

11. The Group notes the working paper (BWC/MSP/2018/MX.4/WP.4) submitted by South Africa that an application for assistance in terms of Article VII, independent of United Nations Security Council approval, raises some practical questions and also lists information that should be provided in a request for assistance. The Group notes some of the issues raised in the South African working paper may require further discussion and decision by the States Parties to help in the strengthening of the implementation of Article VII of the Convention.

V. Agenda Item 8: Exploration of approaches by which States Parties, individually or collectively, might contribute to the strengthening of international response capabilities for infectious disease outbreaks, whether natural or deliberate in origin

12. The UN and other international organizations could also play an important role in coordinating, and mobilizing, and delivering the required support and assistance. In this

respect, upon the request of the concerned State Party, the capacities and experiences of UN and relevant international organizations should be identified and used, within their mandates.

13. To mitigate the consequences of the use of biological and toxin weapons, the national capacity of States Parties in particular developing countries, should also be developed and strengthened. In this regard, the NAM group emphasizes that one of the most effective approaches to support Article VII implementation is that each State Party should facilitate, and shall have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information and know-how concerning means of protection against bacteriological (biological) and toxin weapons. The States Parties should also have the right to conduct research into, develop, produce, acquire, transfer or use means of protection against bacteriological (biological) and toxin weapons, for purposes not prohibited under the Convention. Towards this end, developed countries should assist developing States Parties through providing required technology and resources, as well as sharing experiences, expertise and laboratory cooperation.

14. NAM reiterates its support for the recommendation of the 8th Review Conference on Article VII. In this regard, it reaffirms that timely assistance under Article VII is a legal obligation of States Parties. While noting that States Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, NAM reaffirms that this should not be a imposed as precondition for either provision or receipt of assistance.

15. NAM believes that the lack of a comprehensive Protocol to strengthen implementation of all aspects of the Convention has created a gap in the provision of prompt and effective assistance under Article VII to States Parties to the BWC.

16. In conclusion, let me highlight that the main objective of this Article is to provide assistance to the affected people and to minimize and contain the risks to the health, safety and security of others, in close collaboration with the exposed State Party. However, the best way to prevent such incidents is to ensure full compliance with the prohibition on the development, stockpiling and use of such weapons, including through the establishment of a compliance and verification mechanism under the Convention.